

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF PUERTO RICO

NOV 14 PM 1:47

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff

v.

UNION INDEPENDIENTE, ET AL.,

Defendants

*
*
*
*
*
*
*
*
*
*

CLERK'S OFFICE
U.S. DISTRICT COURT
SAN JUAN, PR

Civ. No. 96-2650 (PG)

OPINION & ORDER

The Court previously awarded Plaintiff \$133,136.42 in compounded prejudgment interest and back pay. However, the Court neglected to award Plaintiff the injunctive relief that it was entitled under the same legal theories as stated in the Court's previous Opinion and Order (Dkt. 34). The Court now rectifies this oversight and awards Plaintiff this relief: Defendant is hereby ordered to reinstate David Cruz Carillo in his former position or in a position equal to the former position in terms of conditions and privileges of employment. Plaintiff also requested the Court to forbid Defendant from discriminating on the basis of religion or retaliating against any employee for filing a claim on the basis of religion. These requests are already covered by federal and state laws, and the Court sees no need to order redundant relief. If Defendant is foolish enough to violate these laws, the aggrieved employee may bring an action against them.

A timely motion under Rule 59 deprives the case of finality until disposed of. Therefore, as here, the subsequent filing of an appeal is a nullity and does not deprive the Court of the power to rule on the Rule 59 motion. "The decision to grant or deny a Rule 59 motion is committed to the wide discretion of the district court." *Williams v. Poulos*, 11 F.3d 271, 289 (1st Cir. 1993). In the present

(3)

719

64

96-2650 (PG)

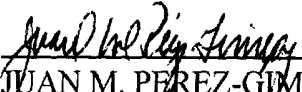
2

case, the Court, by judicial oversight, omitted relief in the Judgment that the Court had previously ruled Plaintiff was entitled to. (Dkt. 34)

For these reasons, the Court amends it's judgment of October 10, 2000 (Dkt. 59) and institutes a judgment to include the above relief.

IT IS SO ORDERED.

San Juan, Puerto Rico, November 13, 2000.



JUAN M. PEREZ-GIMENEZ
U.S. District Judge